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10/774,357

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EXAMINER

VIZVARY, GERALD C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,357	Applicant(s) MILLER ET AL.	
	Examiner GERALD C. VIZVARY	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/11/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/3/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the action filed 6/11/2008, the following has occurred: Claims 1, 12 & 23 have been amended.

2. The information disclosure statement filed 3/3/2008 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7, 8, 12-15, 18, 19 & 23 are rejected under 35 U.S.C. 102(b) as being anticipated by May US 2002/0138390 A1.

As per claim 1 (currently amended), May US 2002/0138390 A1 teaches a computer system for crediting charges to entities in a business organization, the entities creating

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derivatives exposure, comprising (“As previously mentioned, the credit risk in a derivatives transaction is relatively complex. For instance, though derivative contracts come in many forms, the majority have a fair credit value of zero at the time the transaction is initially entered into. That is, no funds are transferred between the parties at the time the contract is created.” May US 2002/0138390 A1 ¶ [0207]):

an input component for receiving reserve information associated with a derivative (“The credit preference module 76 receives the stored credit preferences inputted by the user and stored at group server mechanism 32. The stored credit preferences include preferences directed to the other business unit's legal entities, and the preferences inputted by the other users directed toward the business unit's legal entity of the subject user.” May US 2002/0138390 A1 ¶ [0115]); and

an automated billing workflow component that uses the inputted reserve information to generate billing information for ~~[[the]]~~ an entity creating the derivative exposure (“The credit preference feature of the present invention achieves this, at least in part, by introducing a measurement unit of credit risk referred to as risk equivalent (RQ) which allows for different instruments to be compared on a like basis using a standardized measuring methodology, which together with the concepts of contract maturity, credit groups, classes, credit preferences, legal entities and business units allow the system 10 to offer a solution to the credit risks embedded in bilateral, term derivatives contracts.” May US 2002/0138390 A1 ¶ [0199])

As per claim 2 (previously presented), May US 2002/0138390 A1 teaches a system of

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claim 1, wherein the automated billing workflow component includes a plurality of workflow queues to process the billing information. ("Each order entered into the system 10 is placed into a queue based on price and time received. A change to the order may or may not affect the order's place in the queue. Any change of price will move the order up or down in the queue depending on the price level. Any decrease in the volume of the order will not affect the order's place in the queue. Any increase in volume will result in the previous amount holding its place and a new order placed for the balance." May US 2002/0138390 A1 ¶ [0284])

As per claim 3 (previously presented), May US 2002/0138390 A1 teaches a system of claim 1, wherein the reserve information includes a reserve amount to set aside. ("As trades are executed between counterparties, the amount of the limit is decreased in a corresponding amount to the trade executed until there is little or no remaining credit, and then further trading is prevented until the trades settle or the credit limit amount is re-set." May US 2002/0138390 A1 ¶ [0197])

As per claim 4 (previously presented), May US 2002/0138390 A1 teaches a system of claim 3, wherein the reserve amount is based on an estimation of risk of counter-party default. ("If the business unit has selected an even more complex method (i.e., complex), a unit (such as a risk quotient, i.e., RQ) by maturity is also required. The trader workstation 20 will therefore not be able to determine whether the full quantity can be traded. Thus, the market inventory module 38 repeats the credit check to ensure

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the very latest credit preferences are used (in case of any latency in updating the credit preferences at the trader workstations 20) and to complete any complex credit preference check for quantity.” May US 2002/0138390 A1 ¶ [0115])

As per claim 7 (previously presented), May US 2002/0138390 A1 teaches a system of claim 1, wherein at least one of the plurality of queues is viewable. (“Orders are moved from the queued orders window 432 to the submitted orders window 434 by highlighting the order and then selecting the Submit button 438. All entered orders in the queued orders window 342 can be submitted at once by highlighting all the orders and then selecting the Submit All button 442. Prior to submitting an order, the orders in the queued orders window 432 can be edited via the Edit button 440 or canceled via the Cancel button 444” May US 2002/0138390 A1 ¶ [0314])

As per claim 8 (previously presented), May US 2002/0138390 A1 teaches a system of claim 7, wherein at least one of the viewable queues is modifiable. (“Prior to submitting an order, the orders in the queued orders window 432 can be edited via the Edit button 440 or canceled via the Cancel button 444” May US 2002/0138390 A1 ¶ [0314])

As per claim 12 (currently amended), May US 2002/0138390 A1 teaches a computerized method for crediting charges to entities in a business organization, the entities creating derivatives exposure, comprising: receiving reserve information associated with a derivative (“Business Unit (BU): This is a grouping of individual users

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within a Legal Entity that act together and share attributes such as LE, manager, address, settlement information credit preferences (see below), etc.” May US 2002/0138390 A1 ¶ [0077]);

identifying an entity creating the derivative exposure; and generating billing information for the entity creating the derivative exposure. (“The group server mechanism 32 monitors the connection of each trader workstation 20 so that log-in and log-out times and usage can be monitored. The group server mechanism 32 also caches market information being viewed at each trader workstation 20 and create an order identification code that uniquely identifies that order.” May US 2002/0138390 A1 ¶ [0110])

As per claim 13 (previously presented), May US 2002/0138390 A1 teaches a method of claim 12, wherein the step of generating the billing information includes using a plurality of workflow queues to process the billing information. . (“Each order entered into the system 10 is placed into a queue based on price and time received. A change to the order may or may not affect the order's place in the queue. Any change of price will move the order up or down in the queue depending on the price level. Any decrease in the volume of the order will not affect the order's place in the queue. Any increase in volume will result in the previous amount holding its place and a new order placed for the balance.” May US 2002/0138390 A1 ¶ [0284])

As per claim 14 (previously presented), May US 2002/0138390 A1 teaches a method of

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claim 12, wherein the reserve information includes a reserve amount to set aside (“As trades are executed between counterparties, the amount of the limit is decreased in a corresponding amount to the trade executed until there is little or no remaining credit, and then further trading is prevented until the trades settle or the credit limit amount is re-set.” May US 2002/0138390 A1 ¶ [0197])

As per claim 15 (previously presented), May US 2002/0138390 A1 teaches a method of claim 14, wherein the reserve amount is based on an estimation of risk of counter-party default. (“If the business unit has selected an even more complex method (i.e., complex), a unit (such as a risk quotient, i.e., RQ) by maturity is also required. The trader workstation 20 will therefore not be able to determine whether the full quantity can be traded. Thus, the market inventory module 38 repeats the credit check to ensure the very latest credit preferences are used (in case of any latency in updating the credit preferences at the trader workstations 20) and to complete any complex credit preference check for quantity.” May US 2002/0138390 A1 ¶ [0115])

As per claim 18 (previously presented), May US 2002/0138390 A1 teaches a method of claim 13, wherein at least one of the plurality of queues is viewable. (“With reference to FIG. 22A, the auction interface 430 includes a queued orders window 432 into which the user enters an order, and a submitted orders window 434 which shows the orders submitted to the auction mechanism 34 via the auction module 81.” May US 2002/0138390 A1 ¶ [0314])

As per claim 19 (previously presented), May US 2002/0138390 A1 teaches a method of claim 18, wherein at least one of the viewable queues is modifiable. ("Each order entered into the system 10 is placed into a queue based on price and time received. A change to the order may or may not affect the order's place in the queue. Any change of price will move the order up or down in the queue depending on the price level. Any decrease in the volume of the order will not affect the order's place in the queue. Any increase in volume will result in the previous amount holding its place and a new order placed for the balance." May US 2002/0138390 A1 ¶ [0284])

As per claim 23 (currently amended), May US 2002/0138390 A1 teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable on the machine to perform method steps for crediting charges to entities within a business organization, the entities creating derivatives exposure, the method steps comprising:

receiving reserve information associated with a derivative; identifying an entity creating the derivative exposure; and generating billing information for the entity creating the derivative exposure. ("Furthermore, the present invention may take the form of a computer program product on a computer-readable storage medium having computer-readable program code means embodied in the storage medium. Any suitable computer readable storage medium may be utilized including hard disks, CD-ROMs, optical storage devices, or magnetic storage devices." May US 2002/0138390 A1 ¶ [0102])

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 9, 10, 16, 17, 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over May US 2002/0138390 A1 in view of Shkedy 6,236,972 B1.

As per claim 5 (previously presented), May US 2002/0138390 A1 teaches a system of claim 3.

May (US 2002/0138390 A1) fails to explicitly teach that the reserve amount is held in a special queue for further review if the reserve amount exceeds a predetermined amount.

Shkedy 6,236,972 B1 teaches "In another embodiment, central controller checks the seller's account in customer account database 297 to see if the shares are available. Shkedy 6,236,972 B1 col. 14, lines 33-35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a special queue for further review if the reserve amount exceeds a predetermined amount as taught by Shkedy 6,236,972 B1 in the system of May (US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function

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as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6 (previously presented), May US 2002/0138390 A1 teaches a system of claim 1.

May (US 2002/0138390 A1) fails to explicitly teach that the automated billing workflow component generates a reminder.

Shkedy 6,236,972 B1 teaches "If sufficient shares are not available to cover the quantity of order 100, the seller is requested to transfer more shares into his account at the transfer agent at step 810." (Shkedy 6,236,972 B1 col. 14, lines 39-42)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include generating a reminder as taught by Shkedy 6,236,972 B1 in the system of May (US 2002/0138390 A1), since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9 (previously presented), May US 2002/0138390 A1 teaches a system of claim 3.

May (US 2002/0138390 A1) fails to explicitly teach that a reserve amount found to be invalid is reversed.

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Shkedy 6,236,972 B1 teaches "At step 946, the central controller checks the special instructions to see if the order is now set to "incomplete" or executed in the primary market i.e. directly with the mutual fund. If any of conditions of step 940, 945 or 946 where met we continue to step 950 else we return to step 920 and find the next valid order" (Shkedy 6,236,972 B1 col. 14, line 65-col. 15, line 3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include reversing an invalid reserve amount as taught by Shkedy 6,236,972 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 10 (previously presented), May US 2002/0138390 A1 teaches a system of claim 1.

May (US 2002/0138390 A1) fails to explicitly teach that the automated billing workflow component generates an invoice for the entity creating the derivative exposure.

Shkedy 6,236,972 B1 teaches "In one embodiment, a flat fee is charged for every order 100 submitted. There could also be flat fees that would cover any number of orders 100 over a given period of time, allowing buyers to subscribe to the service much as they would subscribe to a newspaper. In another embodiment central controller 200 calculates a commission to add to the sale price and purchase price before it is allocated to each individual order 100." (Shkedy 6,236,972 B1 col. 15, line 31-39)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include generating an invoice as taught by Shkedy 6,236,972 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 16 (previously presented), May US 2002/0138390 A1 teaches a method of claim 14.

May (US 2002/0138390 A1) fails to explicitly teach that the reserve amount is held in a special queue for further review, if the reserve amount exceeds a predetermined amount.

Shkedy 6,236,972 B1 teaches "In another embodiment, central controller checks the seller's account in customer account database 297 to see if the shares are available. (Shkedy 6,236,972 B1 col. 14, lines 33-35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include holding an invalid entry in a special queue for further review as taught by Shkedy 6,236,972 B1 in the system of May (US 2002/0138390 A1), since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 17 (previously presented), May US 2002/0138390 A1 teaches a method of claim 12.

May (US 2002/0138390 A1) fails to explicitly teach including the step of generating a reminder.

Shkedy 6,236,972 B1 teaches "If sufficient shares are not available to cover the quantity of order 100, the seller is requested to transfer more shares into his account at the transfer agent at step 810." (Shkedy 6,236,972 B1 col. 14, lines 39-42)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include generating a reminder as taught by Shkedy 6,236,972 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 20 (previously presented), May US 2002/0138390 A1 teaches a method of claim 14.

May (US 2002/0138390 A1) fails to explicitly teach including the step of reversing the reserve amount, if the reserve amount is invalid.

Shkedy 6,236,972 B1 teaches "At step 946, the central controller checks the special instructions to see if the order is now set to "incomplete" or executed in the primary market i.e. directly with the mutual fund. If any of conditions of step 940, 945 or 946

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where met we continue to step 950 else we return to step 920 and find the next valid order" (Shkedy 6,236,972 B1 col. 14, line 65-col. 15, line 3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of reversing an invalid amount as taught by Shkedy 6,236,972 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 21 (previously presented), May US 2002/0138390 A1 teaches a method of claim 12.

May (US 2002/0138390 A1) fails to explicitly teach including the step of generating an invoice for the entity creating the derivative exposure.

Shkedy 6,236,972 B1 teaches "An example of a settlement server is the Integrated Commerce Service manufactured by Open Market Inc. It provides back-office services necessary to run Web-based businesses. Services include on-line account statements, order-taking and credit card payment authorization, credit card settlement, automated sales tax calculations, digital receipt generation, account-based purchase tracking, and payment aggregation for low-priced services." (Shkedy 6,236,972 B1 col. 16, line 48-56)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of generating an invoice as taught by Shkedy 6,236,972 B1 in the system of May US 2002/0138390 A1 since the claimed invention is merely a

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combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. Claims 11 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over May US 2002/0138390 A1 in view of Baker 6,336,103 B1.

As per claim 11 (previously presented), May US 2002/0138390 A1 teaches a system of claim 1.

May (US 2002/0138390 A1) fails to explicitly teach that the automated billing workflow component includes an accounting component for posting Profit and Loss (P&L) amounts.

Baker 6,336,103 B1 teaches "More particularly, the invention is related to a highly efficient, rapid method and system for choosing an asset portfolio having the optimum correlation of the asset return to a time dependent financial index, such as a financial liability, at each of a number of selectable asset return levels. (Baker 6,336,103 B1 col. 2, lines 26-28)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting component for posting Profit and Loss (P&L) statements as taught by Baker 6,336,103 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one

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of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 22 (previously presented), May US 2002/0138390 A1 teaches a method of claim 12.

May (US 2002/0138390 A1) fails to explicitly teach including the step of posting a Profit and Loss (P&L) amount for the derivative.

Baker 6,336,103 B1 teaches "More particularly, the invention is related to a highly efficient, rapid method and system for choosing an asset portfolio having the optimum correlation of the asset return to a time dependent financial index, such as a financial liability, at each of a number of selectable asset return levels. (Baker 6,336,103 B1 col. 2, lines 26-28

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting component for posting Profit and Loss (P&L) statements as taught by Baker 6,336,103 B1 in the system of May US 2002/0138390 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable

Response to Arguments

8. Applicant's arguments with respect to claims 1-23 have been considered, but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Gerald Vizvary
Patent Examiner, A.U. 3696
August 15, 2008